

# **STATE PERSONNEL BOARD CALENDAR**



**SEPTEMBER 1-2, 2004  
LOS ANGELES, CALIFORNIA**

## Memorandum

DATE : August 20, 2004

TO: ALL INTERESTED PARTIES

FROM: STATE PERSONNEL BOARD -- Appeals Division

SUBJECT: Notice and Agenda for the September 1-2, 2004, meeting of the State Personnel Board.

PLEASE TAKE NOTICE that on September 1-2, 2004, at the Westin Los Angeles Airport Hotel, located at 5400 West Century Blvd., Los Angeles, California, the State Personnel Board will hold its regularly scheduled meeting.

The attached Agenda provides a brief description of each item to be considered and lists the date and approximate time for discussion of the item.

Also noted is whether the item will be considered in closed or public session. Closed sessions are closed to members of the public. All discussions held in public sessions are open to those interested in attending. Interested members of the public who wish to address the Board on a public session item may request the opportunity to do so.

Should you wish to obtain a copy of any of the items considered in the public sessions for the September 1-2, 2004, meeting, please contact staff in the Secretariat's Office, State Personnel Board, 801 Capitol Mall, MS 22, Sacramento, CA 95814 or by calling (916) 653-0429 or TDD (916) 654-2360, or the Internet at:

<http://www.spb.ca.gov/calendar.htm>

Notice and Agenda  
Page 2  
August 20, 2004

Should you have any questions regarding this Notice and Agenda, please contact staff in the Secretariat's Office at the address or telephone numbers above.

TAMARA LACEY  
Secretariat's Office

Attachment

## CALIFORNIA STATE PERSONNEL BOARD MEETING\*

Westin Los Angeles Airport Hotel

5400 West Century Blvd

Los Angeles, California, 90045

Public Session Location – Midway Room

Closed Session Location – Midway Room

### TWO-DAY BOARD MEETING – SEPTEMBER 1-2, 2004

#### FULL BOARD MEETING AGENDA\*\*

September 1, 2004

#### PUBLIC SESSION OF THE STATE PERSONNEL BOARD

9:00 - 9:30

1. ROLL CALL
2. REPORT OF THE EXECUTIVE OFFICER  
  
Report of Floyd Shimomura  
Executive Officer  
State Personnel Board
3. REPORT OF THE CHIEF COUNSEL

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\* Sign Language Interpreter will be provided for Board Meeting upon request - contact Secretariat at (916) 653-0429, or CALNET 453-0429, TDD (916) 654-2360.

\*\* The Agenda for the Board can be obtained at the following Internet address: <http://www.spb.ca.gov/calendar.htm>

4. NEW BUSINESS  
(Items may be raised by Board Members for scheduling and discussion at future meetings.)
5. REPORT ON LEGISLATION
6. PERS REPORT
- 9:30 - 5:00 7. PLANNING SESSION \*\*\*

## ADJOURNMENT

\*\*\* The Board may discuss pending litigation and recommendations to the Legislature and Governor during the above time period. During these discussions the Board will be in closed session.

CALIFORNIA STATE PERSONNEL BOARD MEETING\*  
Westin Los Angeles Airport Hotel  
5400 West Century Blvd  
Los Angeles, California, 90045

Public Session Location - Midway Room

Closed Session Location - Midway Room

TWO-DAY BOARD MEETING – SEPTEMBER 1-2, 2004

FULL BOARD MEETING AGENDA\*\*

September 2, 2004

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

- |             |  |
|-------------|--|
| 8:25 - 8:30 | 1. ROLL CALL   |
| 8:30 - 9:00 | 2. ORAL ARGUMENT<br>Oral Argument in the matter of DONALD ATKINS, CASE NO. 03-1448A. Appeal from five-percent reduction in salary for six months. Department of Corrections. |

CLOSED SESSION OF THE STATE PERSONNEL BOARD

- |              |  |
|--------------|--|
| 9 :00 - 9:15 | 3. EMPLOYEE APPOINTMENTS, DISCIPLINARY MATTERS, AND OTHER APPEALS<br>Deliberations to consider matter submitted at prior hearing.<br>[Government Code Sections 11126(d), 18653.] |
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PUBLIC SESSION OF THE STATE PERSONNEL BOARD

- 9:15 - 9:45            4.     ORAL ARGUMENT  
                             MARTIN HERNANDEZ, CASE NO. 02-4449QA  
                             Appeal from demotion. Department of Corrections.

CLOSED SESSION OF THE STATE PERSONNEL BOARD

- 9:45 - 10:00        5.     EMPLOYEE APPOINTMENTS, DISCIPLINARY MATTERS,  
                             AND OTHER APPEALS  
                             Deliberations to consider matter submitted at prior hearing.  
                             [Government Code Sections 11126(d), 18653.]

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

- 10:00 - 10:30       6.     ORAL ARGUMENT  
                             Oral Argument in the matter of CONNIE JAMES, CASE  
                             NO. 03-3136A. Appeal from fifteen-working days  
                             suspension. Employment Development Department.

CLOSED SESSION OF THE STATE PERSONNEL BOARD

- 10:30 - 10:45       7.     EMPLOYEE APPOINTMENTS, DISCIPLINARY MATTERS,  
                             AND OTHER APPEALS  
                             Deliberations to consider matter submitted at prior hearing.  
                             [Government Code Sections 11126(d), 18653.]

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

- 10:45 - 11:15       8.     ORAL ARGUMENT  
                             Written Argument only in the matter of HUGO LANDEROS,  
                             CASE NO. 03-3190A. Appeal from dismissal. Employment  
                             Development Department.

CLOSED SESSION OF THE STATE PERSONNEL BOARD

- 11:15 - 11:30            9.     EMPLOYEE APPOINTMENTS, DISCIPLINARY MATTERS,  
AND OTHER APPEALS  
Deliberations to consider matter submitted at prior hearing.  
[Government Code Sections 11126(d), 18653.]

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

- 11:30 - 12:00            10.    ORAL ARGUMENT  
Oral Argument in the matter of JACQUELYN MCCARVER  
CASE NO. 03-0669A. Appeal from demotion. Department  
of Corrections.

12:00 - 1:00            LUNCH

CLOSED SESSION OF THE STATE PERSONNEL BOARD

- 1:00 - 1:30            11.    EMPLOYEE APPOINTMENTS, DISCIPLINARY MATTERS,  
AND OTHER APPEALS  
Deliberations to consider matter submitted at prior hearing.  
[Government Code Sections 11126(d), 18653.]

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

- 1:30 - 2:00            12.    ORAL ARGUMENT  
Oral Argument in the matter of GARY WHALEY, CASE  
NO. 03-1420A. Appeal from discrimination. Employment  
Development Department.

2:00 -            CLOSED SESSION OF THE STATE PERSONNEL BOARD

13.    DELIBERATION ON ADVERSE ACTION, DISCRIMINA-  
TION COMPLAINT, AND OTHER PROPOSED DECISIONS  
SUBMITTED BY ADMINISTRATIVE LAW JUDGES  
Deliberations on matters submitted at prior hearing, on  
proposed decisions, petitions for rehearing, rejected  
decisions, remanded decisions, submitted decisions, and  
other matters related to cases heard by administrative law  
judges of the State Personnel Board or by the Board itself.  
[Government Code Sections 11126 (d), and 18653 (2).]



14. PENDING LITIGATION

Conference with legal counsel to confer with and receive advice regarding pending litigation when discussion in open session would be prejudicial. [Government Code Sections 11126 (e)(1), 18653.]

State Personnel Board v. Department of Personnel Administration, California Supreme Court Case No. S119498.

State Personnel Board v. California State Employees Association, California Supreme Court Case No. S122058.

Connerly v. State Personnel Board, California Supreme Court Case No. S125502.

International Union of Operating Engineers v. State Personnel Board, Public Employment Relations Board (PERB) Case No. SA-CE-1295-S.

California Attorneys, Administrative Law Judges and Hearing Officers in State Employment, v. Department of Industrial Relations and California State Personnel Board, Sacramento Superior Court No.: 04CS00677

15. RECOMMENDATIONS TO THE LEGISLATURE

Deliberations on recommendations to the Legislature. [Government Code Section 18653.]

16. RECOMMENDATIONS TO THE GOVERNOR

Deliberations on recommendations to the Governor. [Government Code Section 18653.]

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

On Adjournment:

17. DISCUSSION OF COMING BOARD MEETING SCHEDULE OF SEPTEMBER 14, 2004, CALIFORNIA

BOARD ACTIONS

18. ADOPTION OF THE STATE PERSONNEL BOARD  
SUMMARY MINUTES OF AUGUST 12, 2004
19. ACTION ON SUBMITTED ITEMS  
(See Agenda Page 26)  
These items have been taken under submission by the State Personnel Board at a prior meeting and may be before the Board for a vote at this meeting. This list does not include evidentiary cases, as those cases are listed separately by category on this agenda under Evidentiary Cases.
20. EVIDENTIARY CASES  
The Board Administrative Law Judges conducts Evidentiary hearings in appeals that include, but are not limited to, adverse actions, medical terminations, demotions, discrimination, reasonable accommodations, and whistleblower complaints.
  - A. BOARD CASES SUBMITTED  
These cases have been taken under submission by the State Personnel Board at a prior meeting and may be before the Board for a vote at this meeting.  
  
JENNIFER KILL, CASE NO. 02-2164B  
Appeal for determination of back salary,  
benefits and interest  
Supervising Cook  
California Correctional Institution - Tehachapi  
Department of Corrections  
Oral argument June 8, 2004  
Case ready for decision by FULL Board  
  
MARYLAND PAGE, CASE NO. 03-3703A  
Appeal from five-percent reduction  
in salary for twelve months  
Correctional Officer  
California State Prison – Blythe  
Department of Corrections

B. CASES PENDING

- Oral Arguments

These cases are on calendar to be argued at this meeting or to be considered by the Board in closed session based on written arguments submitted by the parties.

DONALD ATKINS, CASE NO. 03-1448A  
Appeal from five-percent reduction  
in salary for six months  
Correctional Officer  
California State Prison - San Quentin

MARTIN HERNANDEZ, CASE NO. 02-4449A  
Appeal from demotion  
Correctional Sergeant  
Calipatria State prison – Imperial  
Department of Corrections

CONNIE JAMES, CASE NO. 03-3136A  
Appeal from fifteen-working-days  
suspension  
Accounting Technician  
Employment Development Department

HUGO LANDEROS, CASE NO. 03-3190A  
Appeal from dismissal  
Employment Program Representative  
Employment Development Department

JACQUELYN MCCARVER, CASE NO. 03-0669A  
Appeal from demotion  
Correctional Sergeant  
Rainbow Conservation Center – Fallbrook  
Department of Corrections

GARY WHALEY, CASE NO. 03-1420A  
Appeal from discrimination  
Employment Program Representative  
Employment Development Department

C. CHIEF COUNSEL RESOLUTIONS

- Court Remands  
These cases have been remanded to the Board by the court for further Board action.

NONE

- Stipulations  
These stipulations have been submitted to the Board for Board approval, pursuant to Government Code, section 18681.

NONE

D. ADMINISTRATIVE LAW JUDGE'S (ALJ) PROPOSED DECISIONS

- Proposed Decisions  
These are ALJ proposed decisions submitted to the Board for the first time.

JUAN BEJANANO, CASE NO. 04-0715  
Appeal from dismissal  
Correctional Officer  
Centinela State Prison - Imperial  
Department of Corrections

RAYMOND BELTRAN, CASE NO. 03-3118  
Appeal from ten-work-days suspension  
Correctional Lieutenant  
California State Prison - Lancaster  
Department of Corrections

CONSTANCE BROUGHTON, CASE NO. 03-1656  
Appeal from demotion  
Health Records Technician II (Supervisor)  
California State Prison - Lancaster  
Department of Corrections

TERRI BULLOCH, CASE NO. 03-2958E  
Appeal from denial of discrimination complaint  
Correctional Officer  
Patton State Hospital - Patton  
Department of Corrections

BARBARA CHAPMAN, CASE NO. 02-0507  
Appeal from dismissal  
Assistant Professor, College of Arts and Sciences  
California State University - San Marcos

SANDRA J. CLARK, CASE NO. 04-0448  
Appeal from demotion  
Business Taxes Specialist I  
State Board of Equalization

ROBERT COLLINS, CASE NO. 04-0763 & 04-0765  
Appeal from SPB Rule 282 termination for cause  
limited-term position  
Lieutenant, Youth Authority  
and dismissal  
Youth Correctional Counselor  
Department of Youth Authority – Stockton

JOHN C. COTTER, CASE NO. 04-0178  
Appeal from thirty-calendar-day suspension  
Electrician  
California State University - San Marcos

SANDRA ESSEX, CASE NO. 04-0133  
Appeal from dismissal  
Correctional Officer  
Pelican Bay State Prison Crescent City  
Department of Corrections

TONY FRANK, CASE NO. 04-0269  
Appeal from five-percent reduction  
in salary for six months  
Caltrans Equipment Operator I  
Department of Transportation

DARREN GALES, CASE NO. 04-1190  
Appeal from thirty-work-days suspension  
Automotive Equipment Operator I  
Corcoran State Prison – Corcoran  
Department of Corrections

MARIA MCFARLIN, CASE NO. 02-2916  
Appeal from rejection during probationary  
period  
Staff Services Analyst (General)  
Department of Health Services

HARRY MILLER, CASE NO. 02-0160B  
Appeal for determination of salary, benefits  
and interest due upon reinstatement  
Correctional Sergeant  
California Rehabilitation Center – Norco  
Department of Corrections

AND

LAWRENCE SCHAEFER, CASE NO. 02-0079B  
Appeal for determination of salary, benefits  
and interest due upon reinstatement  
Correctional Officer  
California Institution for Men – Chino  
Department of Corrections

MARC ROBERTSON, CASE NO. 01-2501  
Appeal from demotion  
Correctional Sergeant  
California Men's Colony – San Luis Obispo  
Department of Corrections

TRACY SANTOS, CASE NO. 04-1275  
Appeal from official reprimand  
Correctional Officer  
California Institution for Women – Corona  
Department of Corrections

ROBERT J. SIMS, CASE NO. 04-0799  
Appeal from dismissal  
Registered Nurse  
Department of Mental Health

PHILLIP SMITH, CASE NO. 04-0520  
Appeal from dismissal  
Correctional Officer  
California State Prison - San Quentin  
Department of Corrections

LEX VILLINES, CASE NO. 04-0380  
Appeal from ten-working-days suspension  
Stationary Engineer (Correctional Facility)  
Sierra Conservation Center - Jamestown  
Department of Corrections

WILLIAM WEIN, CASE NO. 04-0597  
Appeal from dismissal  
Correctional Officer  
California Correctional Institution – Tehachapi  
Department of Corrections

- Proposed Decisions Taken Under Submission At Prior Meeting  
These are ALJ proposed decisions taken under submission at a prior Board meeting, for lack of majority vote or other reason.

NONE

- Proposed Decisions After Board Remand

RICHARD LEWIS COLLINS, CASE NO. 02-2306R  
Appeal from dismissal  
Assistant Safety Engineer  
Department of Industrial Relations

VALERIE GODFREY, SPB CASE NO. 98-1070R  
Appeal from dismissal  
Youth Correctional Counselor  
California Youth Authority

- Proposed Decisions After SPB Arbitration

NONE

E. PETITIONS FOR REHEARING

- ALJ Proposed Decisions Adopted By The Board  
The Board will vote to grant or deny a petition for rehearing filed by one or both parties, regarding a case already decided by the Board.

DANNY BOYD, CASE NO. 03-1537P  
Appeal from dismissal  
Youth Correctional Officer  
California Youth Authority – Chino  
Petition for rehearing filed by appellant  
to be granted or denied

ROSIE DASHIELL, CASE NO. 03-2279P  
Appeal from dismissal  
Public Safety Dispatcher I  
Department of the California Highway Patrol  
Petition for rehearing filed by respondent  
to be granted or denied

FE IBALE, CASE NO. 04-0444P  
Appeal from demotion  
Supervising Registered Nurse  
Department of Developmental Services  
Petition for rehearing filed by appellant  
to be granted or denied

NICHOLAS LEON, CASE NO. 03-2097P  
Correctional Sergeant  
Appeal from official reprimand  
California State Prison – Avenal  
Department of Corrections  
Petition for rehearing filed by appellant  
to be granted or denied

YVETTE MACK, CASE NO. 03-2318P  
Appeal from dismissal  
Administrative Support Coordinator I  
California State University - Carson  
Petition for rehearing filed by appellant  
to be granted or denied.



ANTHONY MARICIC, CASE 02-3544P  
Appeal from five-percent reduction  
in salary for six pay periods  
Teacher (High School-Physical Education)  
Department of the Youth Authority – Chino  
Petition for rehearing filed by respondent  
To be granted or denied

LIZA WEST, CASE NO. 03-3661P  
Appeal from a two-step reduction in  
salary for 12-months  
Psychiatric Technician Assistant  
Department of Developmental Services  
Petition for rehearing filed by appellant  
to be granted or denied

- Whistleblower Notice of Findings  
The Board will vote to grant or deny a petition for rehearing filed by one or both parties, regarding a Notice of Findings issued by the Executive Officer under Government Code, section 19682 et seq. and Title 2, California Code of Regulations, section 56 et seq.

RAGU NATH, CASE NO. 03-1133P  
Appeal of Whistleblower Retaliation  
and Request to File Charges  
Business Specialist  
Rancho Santiago Community College District –  
Anaheim

F. PENDING BOARD REVIEW

These cases are pending preparation of transcripts, briefs, or the setting of oral argument before the Board.

ANN R. ABIERAS, CASE NO. 04-0531A  
Appeal from ten-percent reduction  
in salary for twelve months  
Psychiatric Technician Assistant  
Department of Developmental Services

LUIS AVINA, CASE NO. 04-0273  
Appeal from demotion  
Painter  
California State University - Fresno

NICHOLAS COMAITES, CASE NO. 03-0062A  
Appeal from official reprimand  
Correctional Counselor II  
Department of Corrections  
AND  
PAUL WARD, CASE NO. 03-0332A  
Appeal from official reprimand  
Correctional Administrator  
Department of Corrections

EVELYN B. CORPUS, CASE NO. 04-0529A  
Appeal from ten-percent reduction in  
salary for twelve months  
Psychiatric Technician Assistant  
Department of Developmental Services

MICHELLE DAWKINS, CASE NO. 03-2755R  
Appeal from demotion  
Fiscal Services Supervisor to Typist Clerk III  
Human Services Agency, Merced County

JOHN ELIZALDE, CASE NO. 04-0299  
Appeal from five-percent reduction in  
salary for three months  
Correctional Officer  
California State Prison - Wasco  
Department of Corrections

JOHN FLORES, CASE NO. 03-2588E  
Appeal of retaliation  
Hospital Peace Officer I  
Department of Mental Health

DEBRA GREENE, CASE NO. 03-0621A  
Appeal from dismissal  
Motor Vehicle Field Representative  
Department of Motor Vehicles

RICHARD HARMON, CASE NO. 03-3739  
Appeal from dismissal  
Psychiatric Technician Assistant  
Department of Developmental Services

ROYCE HENSON, CASE NO. 02-3501E  
Appeal from retaliation complaint  
Staff Services Manager II (Supervisor)  
Department of forestry and Fire Protection

CONNIE JOHNSON, CASE NO. 03-2620A  
Appeal from 30-calendar-days suspension  
Employment Program Representative  
Employment Development Department

KATHRYN KIDD, CASE NO. 04-0395  
Appeal from dismissal  
Child Support Specialist II  
Department of Child Support Services

HUGO LANDEROS, CASE NO. 03-3190A  
Appeal from dismissal  
Employment Program Representative  
Employment Development Department

EDWARD LIMON, CASE NO. 04-0233  
Appeal from dismissal  
Parole Agent I  
Department of the Youth Authority

LEIJANE OGAWA, CASE NO. 03-2943A  
Appeal from discrimination  
Office Assistant (General)  
Department of Transportation

VIRGINIA PARKER, CASE NO. 03-0325A  
Appeal from demotion  
Correctional Lieutenant  
Ironwood State Prison – Blythe  
Department of Corrections

KIM RITTENHOUSE, CASE NOS. 03-3541A &  
03-3542A

Appeal from denial of reasonable accommodation  
And from constructive medical termination  
Office Technician (General)  
Department of Fish and Game

PEARLIE BLEDSOE-TOWNES, CASE NO. 03-2966A

Appeal from denial of request for reasonable  
Accommodation  
Correctional Sergeant  
Central California Women's Facility – Chowchilla  
Department of Corrections

DENNIS UYEDA, CASE NO. 03-2396A

Appeal from five-working-days suspension  
Latent Print Analyst II  
Department of Justice

21. RESOLUTION EXTENDING TIME UNDER GOVERNMENT  
CODE SECTION 18671.1 EXTENSION  
(See Agenda Page 28)

22. NON-EVIDENTIARY CASES

A. WITHHOLD APPEALS

Cases heard by a Staff Hearing Officer, a managerial  
staff member of the State Personnel Board or  
investigated by Appeals Division staff. The Board will be  
presented recommendations by a Staff Hearing Officer  
or Appeals Division staff for final decision on each  
appeal.

RICHARD BAKER, CASE NO. 03-2571

**Classification:** Correctional Officer

**Department:** Department of Corrections

RAYMOND CALDERA, CASE NO. 03-3789

**Classification:** Correctional Officer

**Department:** Department of Corrections

ANTHONY CAUDILLO, CASE NO. 03-2365  
**Classification:** Fire fighter/Security Officer  
**Department:** State Personnel Board/Department of Forestry and Fire Protection

NORMAN CRAMER, CASE NO. 03-1029  
**Classification:** Correctional Officer  
**Department:** Department of Corrections

MARK HANSEN, CASE NO. 03-2934  
**Classification:** Correctional Officer  
**Department:** Department of Corrections

DAVID HINTZ, CASE NO. 03-2375  
**Classification:** Cadet, CHP  
**Department:** California Highway Patrol

ANDREW HUTTON, CASE NO. 03-3532  
**Classification:** Correctional Officer  
**Department:** Department of Corrections

RENEE KEYS, CASE NO. 03-3476  
**Classification:** Correctional Officer  
**Department:** Department of Corrections

ZIAD KHOURY, CASE NO. 03-3675  
**Classification:** Correctional Officer  
**Department:** Department of Corrections

CHRISTOPHER LUESCHER, CASE NO. 03-3794  
**Classification:** Parole Agent I (PAI)  
**Department:** Department of Corrections

GEORGE MANSOUR, CASE NO. 03-3775  
**Classification:** Correctional Officer  
**Department:** Department of Corrections

ALBERT MARTINEZ, CASE NO. 03-3568  
**Classification:** Medical Technical Assistant Officer (MTA)  
**Department:** Department of Corrections

ERIC MARTINEZ, CASE NO. 03-2683  
**Classification:** California Highway Patrol Cadet  
**Department:** California Highway Patrol

TROY MORSE, CASE NO. 03-3113  
**Classification:** Key Data Supervisor I  
**Department:** State Personnel Board

MOISES MUNOZ, CASE NO. 03-3463  
**Classification:** Correctional Officer  
**Department:** Department of Corrections

MICHELLE NEGRETE, CASE NO. 03-3391  
**Classification:** Correctional Officer  
**Department:** Department of Corrections

SAVOEUN PLANG, CASE NO. 03-3610  
**Classification:** Correctional Officer  
**Department:** Department of Corrections

ROSALINDA SANTANA, CASE NO. 03-2847  
**Classification:** Associate Information Systems Analyst (Specialist)  
**Department:** Department of Transportation

MICKY SHEPHERD, CASE NO. 03-3560  
**Classification:** Correctional Officer  
**Department:** Department of Corrections

CLOVER STAGGS, CASE NO. 03-2606  
**Classification:** Correctional Officer  
**Department:** Department of Corrections

ISELA AHUMADA, CASE NO. 03-3655  
**Classification:** Youth Correctional Officer  
**Department:** Youth Authority

ROBERTA CAMACHO, CASE NO. 03-3256  
**Classification:** Correctional Officer  
**Department:** Department of Corrections

REMONIA GAINER, CASE NO. 03-2336  
**Classification:** Correctional Officer  
**Department:** Department of Corrections

ARACELI GARCIA-CRUZ, CASE NO. 03-3654  
**Classification:** Youth Correction Officer  
**Department:** Youth Authority

JOHANNA JILES (CALDWELL), CASE NO. 03-3658

**Classification:** Correctional Officer

**Department:** Department of Corrections

DENNIS JONES, CASE NO. 03-3097

**Classification:** Medical Technical Assistant

**Department:** Department of Corrections

LYNETTA LIMA, CASE NO. 03-3721

**Classification:** Correctional Officer

**Department:** Department of Corrections

TIFFANY REYES, CASE NO. 03-2992

**Classification:** Correctional Officer

**Department:** Department of Corrections

OSCAR SIMON, CASE NO. 03-3634

**Classification:** Correctional Officer

**Department:** Department of Corrections

CURTIS WILCOX, CASE NO. 03-2212

**Classification:** Correctional Officer

**Department:** Department of Corrections

HASSAN ABDUL-RAHIM, CASE NO. 03-2921

**Classification:** Youth Correctional Officer

**Department:** California Youth Authority (CYA)

WAYNE ADAMS, CASE NO. 03-3007

**Classification:** Correctional Officer

**Department:** Department of Corrections

CHAD AMOS, CASE NO. 03-3107

**Classification:** Correctional Officer

**Department:** Department of Corrections

CANDICE ARAUJO, CASE NO. 03-3667

**Classification:** Correctional Officer

**Department:** Department of Corrections

LADONNA BRANCH, CASE NO. 04-0312

**Classification:** Correctional Officer

**Department:** Department of Corrections

ANTHONY BROWN, CASE NO. 03-2057  
**Classification:** CHP, Cadet  
**Department:** California Highway Patrol (CHP)

KARL CHILDRESS, CASE NO. 03-0975  
**Classification:** Correctional Officer  
**Department:** Department of Corrections

SOPHIE DVORSKY, CASE NO. 03-3117  
**Classification:** Correctional Officer  
**Department:** Department of Corrections

RENEE ESTRADA, CASE NO. 03-1027  
**Classification:** Correctional Officer  
**Department:** Department of Corrections

STEWART FOWLES, CASE NO. 03-3557  
**Classification:** Correctional Officer  
**Department:** Department of Corrections

HAROLD GALLAGHER, CASE NO. 03-3710  
**Classification:** Correctional Officer  
**Department:** Department of Corrections

ADRIAN IGNACIO, CASE NO. 03-2449  
**Classification:** Correctional Officer  
**Department:** Department of Corrections

RICHARD QUIROGA, CASE NO. 03-2979  
**Classification:** Correctional Officer  
**Department:** Department of Corrections

MARIBEL RENTERIA, Case No. 03-3645  
**Classification:** Correctional Officer  
**Department:** Department of Corrections

DOUGLAS RICE, Case No. 03-3564  
**Classification:** Youth Correctional Officer  
**Department:** California Youth Authority (CYA)

LAMONT ROBERTSON, Case No. 04-0041  
**Classification:** Correctional Officer  
**Department:** Department of Corrections



PHIL ROCHELLE, Case No. 03-2413  
**Classification:** Public Safety Dispatcher II  
**Department:** California Highway Patrol (CHP)

EDDIE SALINAS, Case NO. 03-2164  
**Classification:** Correctional Officer  
**Department:** Department of Corrections

RICARDO (RICHARD) SANTOS, Case No. 03-2426  
**Classification:** Correctional Officer  
**Department:** Department of Corrections

SCOTT SCHOONARD, Case No. 03-3756  
**Classification:** Correctional Officer  
**Department:** Department of Corrections

JUAN TENA, CASE NO. 03-2412  
**Classification:** Correctional Officer  
**Department:** Department of Corrections

DAVID VALDIVIA, CASE NO. 03-1408  
**Classification:** Fire Apparatus Engineer  
**Department:** Department of Forestry and Fire Protection

JACQUES VARVEL, CASE NO. 03-3757  
**Classification:** Correctional Officer  
**Department:** Department of Corrections

AYINDE WARREN, CASE NO. 03-3636  
**Classification:** Correctional Officer  
**Department:** Department of Corrections

AMANDA WIGELSWORTH, CASE NO. 03-3758  
**Classification:** Correctional Officer  
**Department:** Department of Corrections

B. MEDICAL AND PSYCHOLOGICAL SCREENING  
APPEALS - NONE

Cases heard by a Staff Hearing Panel comprised of a managerial staff member of the State Personnel Board and a medical professional. The Board will be presented recommendations by a Hearing Panel on each appeal.

C. EXAMINATION APPEALS - NONE  
MINIMUM QUALIFICATIONS - NONE  
MERIT ISSUE COMPLAINTS - NONE

Cases heard by a Staff Hearing Officer, a managerial staff member of the State Personnel Board or investigated by Appeals Division staff. The Board will be presented recommendations by a Staff Hearing Officer or Appeals Division staff for final decision on each appeal.

D. RULE 212 OUT-OF-CLASS APPEALS - NONE  
VOIDED APPOINTMENT APPEALS - NONE  
RULE 211 APPEALS - NONE

Cases heard by a Staff Hearing Officer, or a managerial staff member of the State Personnel Board. The Board will be presented recommendations by a Staff Hearing Officer for final decision on each appeal.

E. REQUEST TO FILE CHARGES CASES - NONE  
PETITIONS FOR REHEARING CASES - NONE

Investigated by Appeals Division staff. The Board will be presented recommendations by Appeals Division staff for final decision on each request.

Edmonton, Kenneth, Case No. 03-1507

**Classification:** a committed offender housed at Atascadero State Hospital (ASH)

**Department:** Mental Health, Atascadero State Hospital

Edmonton, Kenneth, Case No. 03-2339

**Classification:** a committed offender housed at Atascadero State Hospital (ASH)

**Department:** Mental Health, Atascadero State Hospital

LAURALEE LINDBLAD, Case No. 03-2424

**Classification:** A member of the public

**Department:** Parks and Recreation

JERRY WILLIAMS, SAL MIJANGOS and LARRY COLLINS, CASE NOs. 03-744, 03-2799 and 03-2866

**Classification:** Industrial Supervisors

**Department:** Corrections, Avenal State Prison

F. PSYCHOLOGICAL SCREENING CASES

Cases reviewed by Appeals Division staff, but no hearing was held. It is anticipated that the Board will act on these proposals without a hearing.

MELINDA FREGOSO, CASE NO. 04-1529

**Classification:** Medical Technical Assistant

**Department:** Department of Corrections

MARIBEL GARCIA, CASE NO. 04-1530

**Classification:** Medical Technical Assistant

**Department:** Department of Corrections

PHILLIP PENNINGTON, CASE NO. 04-1532

**Classification:** Medical Technical Assistant

**Department:** Department of Corrections

HECTOR RUIZ, CASE NO. 04-0921

**Classification:** Correctional Officer

**Department:** Department of Corrections

MAXINE WRIGHT, CASE NO. 04-0921

**Classification:** Medical Technical Assistant

**Department:** Department of Corrections

23. NON-HEARING CALENDAR

The following proposals are made to the State Personnel Board by either the Board staff or Department of Personnel Administration staff. It is anticipated that the Board will act on these proposals without a hearing.

Anyone with concerns or opposition to any of these proposals should submit a written notice to the Executive Officer clearly stating the nature of the concern or opposition. Such notice should explain how the issue in dispute is a merit employment matter within the Board's scope of authority as set forth in the State Civil Service Act (Government Code Section 18500 et seq.) and Article VII, California Constitution. Matters within

the Board's scope of authority include, but are not limited to, personnel selection, employee status, discrimination and affirmative action. Matters outside the Board's scope of authority include, but are not limited to, compensation, employee benefits, position allocation, and organization structure. Such notice must be received not later than close of business on the Wednesday before the Board meeting at which the proposal is scheduled. Such notice from an exclusive bargaining representative will not be entertained after this deadline, provided the representative has received advance notice of the classification proposal pursuant to the applicable memorandum of understanding. In investigating matters outlined above, the Executive Officer shall act as the Board's authorized representative and recommend the Board either act on the proposals as submitted without a hearing or schedule the items for a hearing, including a staff recommendation on resolution of the merit issues in dispute.

NONE

24. STAFF CALENDAR ITEMS FOR BOARD INFORMATION

NONE

25. CAREER EXECUTIVE ASSIGNMENT (CEA) CATEGORY ACTIVITY

This section of the Agenda serves to inform interested individuals and departments of proposed and approved CEA position actions.

The first section lists position actions that have been proposed and are currently under consideration.

Any parties having concerns with the merits of a proposed CEA position action should submit their concerns in writing to the Classification and Compensation Division of the Department of Personnel Administration, the Personnel Resources and Innovation Division of the State Personnel Board, and the department proposing the action.

To assure adequate time to consider objections to a CEA position action, issues should be presented immediately upon receipt of the State Personnel Board Agenda in which the

proposed position action is noticed as being under consideration, and generally no later than a week to ten days after its publication.

In cases where a merit issue has been raised regarding a proposed CEA position action and the dispute cannot be resolved, a hearing before the five-member Board may be scheduled. If no merit issues are raised regarding a proposed CEA position action, and it is approved by the State Personnel Board, the action becomes effective without further action by the Board.

The second section of this portion of the Agenda reports those position actions that have been approved. They are effective as of the date they were approved by the Executive Officer of the State Personnel Board.

A. REQUESTS TO ESTABLISH NEW CEA POSITIONS  
CURRENTLY UNDER CONSIDERATION

(1) DEPUTY DIRECTOR, OFFICE OF APPLIED  
RESEARCH AND ANALYSIS

The Department of Alcohol and Drug Programs proposes to allocate the above position to the CEA category. The Deputy Director, Office of Applied Research and Analysis, is responsible for the effective management, planning, direction and oversight of all activities related to the proposed and established operations of the Office of Applied Research and Analysis.

(2) SPECIAL ASSISTANT, LEGAL AFFAIRS

The Department of Justice proposes to allocate the above position to the CEA category. The Special Assistant, Legal Affairs provides public policy development and operational support to the Chief Deputy Attorney General (Chief Deputy) for Legal Affairs and is responsible for identifying issues and problems specific to the four legal divisions that make policy recommendations.

(3) PROGRAM MANAGER, STRATEGIC  
SOURCING PROGRAM

The Department of General Services proposes to allocate the above position to the CEA category.

The Program Manager, Strategic Sourcing Program, will be responsible for the development and implementation of policy regarding measures taken to reduce contracting and procurement, which will guide implementation of the strategic sourcing program to meet the state's goal to reduce public agency procurement and contracting costs by June 30, 2005.

(4) CHIEF, OFFICE OF EXAMINATION  
RESOURCES

The Department of Consumer Affairs proposes to allocate the above position to the CEA category. The Chief, Office of Examination Resources, serves as the department's highest level psychometric consultant, and functions as a key policy advisor relative to establishing examination policies for the Department of Consumer Affairs approximately 40 regulatory entities that establish the minimum qualifications and levels of competency for licensure.

B. EXECUTIVE OFFICER DECISIONS REGARDING  
REQUESTS TO ESTABLISH NEW CEA POSITIONS

(1) CHIEF, OFFICE OF POLICY PROJECT AND  
PERFORMANCE REVIEW

The Department of Motor Vehicles' request to allocate the above position has been approved effective July 23, 2004.

26. WRITTEN STAFF REPORT FOR BOARD INFORMATION

NONE

27. PRESENTATION OF EMERGENCY ITEMS AS  
NECESSARY

ADJOURNMENT

SUBMITTED

1. TEACHER STATE HOSPITAL (SEVERELY), ETC. Departments of Mental Health and Developmental Services. (Hearing held December 3, 2002).
2. VOCATIONAL INSTRUCTOR (SAFETY)(VARIOUS SPECIALTIES). Departments of Mental Health and Developmental Services.  
(Hearing held December 3, 2002).
3. TELEVISION SPECIALIST (SAFETY)  
The Department of Corrections proposes to establish the new classification Television Specialist (Safety) by using the existing Television Specialist class specification and adding "Safety" as a parenthetical to recognize the public aspect of their job, additional language will be added to the Typical Tasks section of the class specification and a Special Physical Characteristics section will be added.  
(Presented to Board March 4, 2003).

**NOTICE OF GOVERNMENT CODE § 18671.1 RESOLUTION**

Since Government Code section 18671.1 requires that cases pending before State Personnel Board Administrative Law Judges (ALJ's) be completed within six months or no later than 90 days after submission of a case, whichever is first, absent the publication of substantial reasons for needing an additional 45 days, the Board hereby publishes its substantial reasons for the need for the 45-day extension for some of the cases now pending before it for decision.

An additional 45 days may be required in cases that require multiple days of hearings, that have been delayed by unusual circumstances, or that involve any delay generated by either party (including, but not limited to, submission of written briefs, requests for settlement conferences, continuances, discovery disputes, pre-hearing motions). In such cases, six months may be inadequate for the ALJ to hear the entire case, prepare a proposed decision containing the detailed factual and legal analysis required by law, and for the State Personnel Board to review the decision and adopt, modify or reject the proposed decision within the time limitations of the statute.

Therefore, at its next meeting, the Board will issue the attached resolution extending the time limitation by 45 days for all cases that meet the above criteria, and that have been before the Board for less than six months as of the date of the Board meeting.



**GOVERNMENT CODE § 18671.1 RESOLUTION**

**WHEREAS**, Section 18671.1 provides that, absent waiver by the appellant, the time period in which the Board must render its decision on a petition pending before it shall not exceed six months from the date the petition was filed or 90 days from the date of submission; and

**WHEREAS**, Section 18671.1 also provides for an extension of the time limitations by 45 additional days if the Board publishes substantial reasons for the need for the extension in its calendar prior to the conclusion of the six-month period; and

**WHEREAS**, the Agenda for the instant Board meeting included an item titled "Notice of Government Code § 18671.1 Resolution" which sets forth substantial reasons for utilizing that 45-day extension to extend the time to decide particular cases pending before the Board;

**WHEREAS**, there are currently pending before the Board cases that have required multiple days of hearing and/or that have been delayed by unusual circumstances or by acts or omissions of the parties themselves;

**NOW, THEREFORE, BE IT RESOLVED AND ORDERED** that the time limitations set forth in Government Code section 18671.1 are hereby extended an additional 45 days for all cases that have required multiple days of hearing or that have been delayed by acts or omissions of the parties or by unusual circumstances and that have been pending before the Board for less than six months as of the date this resolution is adopted.

\* \* \* \* \*



## CALIFORNIA STATE PERSONNEL BOARD

GRAY DAVIS, Governor

801 Capitol Mall • Sacramento, California 95814 • [www.spb.ca.gov](http://www.spb.ca.gov)



(Cal. 9/1-2/04)

TO: Members  
State Personnel Board

FROM: State Personnel Board - Legislative Office

SUBJECT: LEGISLATION

There is no written legislative report at this time. I will give a verbal presentation on any legislative action that has taken place that will be of interest to the Board.

Please contact me directly should you have any questions or comments regarding this report. I can be reached at (916) 653-0453.

Sherry Hicks  
Director of Legislation